

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

ATKINSON & DEBARTOLO, P.C
The Galleria, 2 Bridge Avenue, P.O. Box 8415
Red Bank, New Jersey 07701
BA 9186

Attorney for: Trustee Bunce D. Atkinson

In Re:

WAMBUGU THUO and JANE WAMBUGU,

Debtors.

Case No. 13-11747/KCF

Hearing Date: May 14, 2013

Judge: Kathryn C. Ferguson

**ORDER MODIFYING EXEMPTIONS AND FOR TURNOVER OF PROPERTY
AND RECORDS**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

PAGE 2

Debtor: WAMBUGU THUO and JANE WAMBUGU

Case No.: 13-11747/KCF

Caption of Order: Order Denying Exemptions

This matter having been opened to the Court by Atkinson & DeBartolo, P.C., attorneys for the Trustee, Bunce D. Atkinson, Bunce D. Atkinson, Esq. appearing, and in the presence of Kasuri & Levi, L.L.C., attorneys for the Debtors, Wambugu Thuo and Jane Wambugu, Warren D. Levy, Esq., appearing, notice having been provided to the Debtors, and the Court having considered the pleadings filed herein, heard the argument of counsel, if any, and for good cause shown; it is hereby **ORDERED** as follows:

1. The Debtors' claimed exemption of \$23,711.43 in monies owed from Joyce W. Kinuthia (hereinafter referred to as "Kinuthia"), Rodney Newman (hereinafter referred to as "Newman") and Simon K. Nyagah (hereinafter referred to as "Nyagah"), be and hereby is denied.
2. The Debtor, Jane Wambugu, shall have no exemption in the amounts due and owing from Kinuthia, Newman and Nyagah.
3. The exemption of Wambugu Thuo in monies due and owing from Kinuthia, Newman and Nyagah is limited to a maximum amount of \$11,975.00 pursuant to 11 U.S.C. 522(d)(5).
4. The maximum exemption of Wambugu Thuo shall be reduced by any portion of the monies listed in Schedule B of the Debtors' petition as security deposits for rental units which are property of the Debtor Estate, unless Wambugu Thuo turns the money over to the Trustee.

PAGE 3

Debtor: WAMBUGU THUO and JANE WAMBUGU

Case No.: 13-11747/KCF

Caption of Order: Order Denying Exemptions

5. The Debtors, Wambugu Thuo and Jane Wambugu shall provide to the Trustee within ten (10) business days of the entry of this Order, copies of the bank statements for any and all security deposits listed in Schedule B of the Debtors' petition, copies of the leases, proof of the amount deposited by each tenant, and any and all proofs to establish whether the security deposits are from tenants who have already vacated the properties, or are the property of current tenants.